

Appl. No. : 10/019,513
Filed : August 6, 2002

REMARKS

Claims 2-14, 16-20, 22-23, 25-26, 28, 30, and 32-34 have been cancelled without prejudice or disclaimer. Claim 1 has been amended. Claims 1, 15, 21, 24, 27, 29, and 31 are now pending in this application. Claims 21, 24, 27, 29, and 31 are withdrawn from consideration. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks. Applicants reserve the right to file continuing applications for cancelled claims.

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 15 are rejected under 35 U.S.C. § 102 (b) as being anticipated by WO92/07000.

This ground of rejection is believed to be obviated by Applicants' amendment of claim 1.

The previous Office Action stated that the term "consisting essentially of" was interpreted as open language with the same meaning as "comprising." With this amendment, "consisting essentially of" has been amended to "consisting of." Thus the language of claim 1 is now unequivocally closed.

The WO92/07000 reference does not disclose the specific 9 residue sequence as claimed by Applicants in claim 1. Applicants respectfully submit that the WO92/07000 reference no longer anticipates the invention as claimed.

In view of Applicants' amendments and arguments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 and 15 are rejected under 35 U.S.C. § 112, first paragraph as lacking clear support in the specification and in the claims as originally filed.

Applicants believe that support for broader language is found in the second full paragraph of page 8 of the present specification. However, in order to expedite prosecution, Applicants have amended present claim 1 to recite "consisting of." Applicants believe that the amendment overcomes the rejection.

In view of Applicants' amendments and comments, withdrawal of the above ground of rejection is respectfully requested.

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Rejoinder

Applicants respectfully submit that claims 1 and 15 are now in allowable condition and request rejoinder of claims 21, 24, 27, 29, and 31. Claims 21, 24, 27, 29 and 31 depend from claim 1 and contain all of the limitations thereof. Therefore, Applicants believe that these claims may be properly rejoined.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct. 4, 2004

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